

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| UNITED STATES OF AMERICA |) | JUDGE DONALD C. NUGENT |
| |) | |
| Plaintiff, |) | CASE NO.: 1:16 CR 146 |
| |) | |
| |) | |
| vs. |) | <u>MEMORANDUM OPINION</u> |
| |) | <u>AND ORDER</u> |
| MAURICE A. SINKFIELD, |) | |
| |) | |
| Defendant. |) | |

This matter is before the Court on the United States of America's Motion to Strike and Stay Deadline for Response. (ECF #138). Mr. Sinkfield's Motion to Vacate is not in compliance with the page restrictions imposed by Local Rule 7.1. Further, he did not seek permission to file a non-compliant memorandum or law, nor is there evidence of any reason to permit such a filing. The Northern District of Ohio Local Rule 7.1 states that memoranda relating to dispositive motions in standard cases must not exceed twenty pages and memoranda relating to all other motions must not exceed fifteen pages in length. Non-compliance with this rule is sanctionable at the judge's discretion. Further, the Court of Appeals has recognized that Local Rule 7.1 applies to all litigants, including pro se litigants filing under 28 U.S.C. § 2255. *See, United States v. Merkosky*, No. 1:02-CR-168, 2008 WL 5169640, at *7 (N.D. Ohio Dec. 9, 2008). The

government's motion is, therefore, well-taken.

The Court will allow Mr. Sinkfield to revise his petition and re-file a memorandum that falls within the page limitations set forth in Local Rule 7.1. If he files a compliant petition on or before February 29, 2020, the Court will accept the filing and the government shall have thirty days in which to respond. If, however, Mr. Sinkfield does not file a compliant petition on or before February 29, 2020, this case will be dismissed with prejudice. Any future filings must adhere to the twenty page limit for set forth in Local Rule 7.1. The twenty page limit includes all materials offering an explanation of the legal and factual support given for the claims alleged.

For the reasons set forth above, the United States of America's Motion to Strike and Stay Deadline for Response (ECF #138) is GRANTED. The Petitioner may re-file a compliant memorandum of twenty pages or less on or before February 29, 2020. If a fully compliant petition is not filed on or before that date, this case will be dismissed with prejudice and no further filings will be accepted. IT IS SO ORDERED.

DATED:

January 30, 2020


DONALD C. NUGENT
United States District Judge